

2001 M Street NW, 10th Floor  
Washington, DC 20036



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A LIMITED LIABILITY PARTNERSHIP

June 7, 2021

*Via Electronic Filing*

The Honorable R. Barclay Surrick  
United States District Judge  
United States District Court for the Eastern District of Pennsylvania  
601 Market Street, 8th Floor  
Philadelphia, PA 19106

**Re: *United States v. Glenmark Pharmaceuticals Inc., USA et al., 20-cr-200 (RBS)***

Judge Surrick:

On May 5, 2021, an in-person hearing took place based on the Department of Justice's ("DOJ") request related to a possible conflict of interest associated with Morgan Lewis's ongoing representation of Glenmark in this matter. Three witnesses testified at that hearing: Mr. Hany Rizkalla, Vice President and Associate General Counsel for North America and Global Head of Intellectual Property at Glenmark, as well as Ms. Lisa Dykstra and Mr. Zane Memeger, Morgan Lewis attorneys who represent Glenmark in this matter. Although the hearing was recorded, the recording did not work for a significant portion of the hearing, including during the testimony of the Glenmark witnesses. Thus, there is no transcript of Glenmark's waiver.

Based on this failed recording, counsel for Glenmark and DOJ met and conferred and discussed how best to make a record of Glenmark's waiver. The parties agreed to the submission of a supplemental declaration from Mr. Rizkalla. Glenmark attaches the Supplemental Rizkalla Declaration in which Mr. Rizkalla summarizes his recollection of his testimony at the May 5 hearing and reaffirms Glenmark's waiver of any purported conflict of interest. Prior to the declaration being finalized, DOJ attorneys reviewed and commented on the substance of the declaration.

Glenmark submits that with this declaration, no additional inquiry of Mr. Rizkalla or any other Glenmark witnesses is necessary. Through his testimony on May 5, 2021 and this Supplemental Declaration, Glenmark submits that any potential conflict has been knowingly, intelligently, and voluntarily waived by Glenmark. Mr. Rizkalla would of course be available to answer any questions from the Court, if necessary, at the June 24, 2021 hearing scheduled in this matter.

Sincerely,

Lisa C. Dykstra (PA ID 67271)  
Zane David Memeger (PA ID 62728)  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Telephone: (215) 963-5000  
Fax: (215) 963-5001  
lisa.dykstra@morganlewis.com  
zane.memeger@morganlewis.com

/s/ Beth A. Wilkinson

Beth A. Wilkinson (*pro hac vice*)  
Brian L. Stekloff (*pro hac vice*)  
Kosta S. Stojilkovic (*pro hac vice*)  
WILKINSON STEKLOFF LLP  
2001 M Street NW, 10<sup>th</sup> Floor  
Washington, DC 20036  
Telephone: (202) 847-4000  
Fax: (202) 847-4005  
bwilkinson@wilkinsonstekloff.com  
bstekloff@wilkinsonstekloff.com  
kstoilkovic@wilkinsonstekloff.com

*Attorneys for Defendant Glenmark  
Pharmaceuticals Inc., USA*

Attachment:  
Second Declaration of Hany W. Rizkalla, Ph.D., Esq.

Cc: Government Counsel of Record (via ECF)